

Contempt for Law *P. Smith*

It is dismaying but not surprising to learn that Federal law enforcement officials have resorted to telephone wiretapping, hidden microphones and two-way mirrors in investigating suspected tax frauds. Attorney General Nicholas Katzenbach and Internal Revenue Commissioner Sheldon Cohen acknowledged these practices in testimony on Tuesday before the Senate Judiciary Subcommittee on Administrative Practice and Procedure. They did not condone the practices; but they appeared to find some extenuation or justification for resort to them in the fact that they had been aimed at bigtime racketeers—that is, at persons not convicted of crime but believed by Messrs. Katzenbach and Cohen to be engaged in racketeering.

Eavesdropping by concealed microphones and secret surveillance by means of two-way mirrors are odious, although not necessarily unlawful. But telephone tapping, without the consent of at least one party to the conversation, violates an act of Congress. We say this, despite assertions

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The communique issued at the end of this week's joint Japanese-American Cabinet meeting here on economic and trade matters would have been negligent of diplomatic tradition had it not

to the contrary, because, in our opinion, the Federal Communications Act says it, and the Supreme Court says it, too. And we are wholly convinced, besides, that no authorizations to the contrary by state legislatures or by Attorneys General or even by Presidents of the United States can override what Congress has legislated or make lawful what Congress has declared unlawful.

Yet the Federal Bureau of Investigation, a subordinate agency of the Department of Justice, has for many years, by the candid acknowledgment of its director, tapped telephones in what he characterizes as national security cases. We believe it to be perfectly plain that whenever the FBI does this, it is guilty of law-breaking. And we believe it to be equally plain that whenever the Attorney General authorizes, condones or winks at the practice, he connives at law-breaking. And, finally, we believe that this contempt for law on the part of the highest officials in the United States Government responsible for law enforcement inevitably breeds a corresponding contempt for law on the part of Internal Revenue investigators and on the part of municipal police forces all over the country.